

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN ASSEMBLY MAY 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1272

**Introduced by Assembly Member Hill
(Coauthor: Assembly Member Ammiano)**

February 27, 2009

~~An act to amend Sections 1797.222 and 1798.169 of the Health and Safety Code, and to amend Sections 21661.5 and 21662.1 of the Public Utilities Code, relating to public health. An act to amend Section 1798.161 of, and to add Section 1797.259 to, the Health and Safety Code, and to add Section 21099.7 to the Public Resources Code, relating to public health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1272, as amended, Hill. Emergency medical services: trauma center: helicopter landing pad.

Existing

(1) *Existing* law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act, establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to, among other things, provide statewide coordination of county emergency medical service programs, including, but not limited to, designated trauma centers, and to administer the Trauma Care Fund.

~~Existing law, the State Aeronautics Act, sets forth provisions regulating aeronautics in California under the jurisdiction of the Department of Transportation, including, but not limited to, the planning,~~

siting, and approval, of airports, including, but not limited to, helicopter landing pads. The law provides counties and cities with specified authority over the approval of helicopter landing pads.

This bill would ~~provide~~ *require* that those provisions of law shall not be construed as authorizing a city, county, or city and county to prohibit a trauma center from installing a helicopter landing pad at or near its facility for the purpose of receiving emergency trauma care patients; ~~and a local emergency medical service to include within its trauma system plan the provision of air transport of trauma patients to, and between, trauma centers, if the local emergency medical service agency elects to implement a trauma system.~~ The bill would make conforming changes.

(2) *The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.*

This bill would provide that, for a project related to the construction of helicopter landing pads on trauma centers, a lead agency is not required to consider the noise impacts associated with the use of the helicopter landing pads in its environmental review conducted pursuant to CEQA.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1797.259 is added to the Health and
- 2 Safety Code, immediately following Section 1797.258, to read:
- 3 1797.259. A local EMS agency that elects to implement a
- 4 trauma system shall include, within its trauma system plan,
- 5 provisions for air transport of trauma patients to, and between,
- 6 trauma centers.

1 *SEC. 2. Section 1798.161 of the Health and Safety Code is*
2 *amended to read:*

3 1798.161. (a) The authority shall submit draft regulations
4 specifying minimum standards for the implementation of trauma
5 care systems to the commission on or before July 1, 1984, and
6 shall adopt the regulations on or before July 1, 1985. These
7 regulations shall provide specific requirements for the care of
8 trauma cases and shall ensure that the trauma care system is fully
9 coordinated with all elements of the existing emergency medical
10 services system. The regulations shall be adopted as provided in
11 Section 1799.50, and shall include, but not be limited to, all of the
12 following:

13 (1) Prehospital care management guidelines for triage and
14 transportation of trauma cases.

15 (2) *Transportation of trauma patients to, and between, trauma*
16 *centers by ground and air ambulance.*

17 ~~(2)—~~

18 (3) Flow patterns of trauma cases and geographic boundaries
19 regarding trauma and nontrauma cases.

20 ~~(3)—~~

21 (4) The number and type of trauma cases necessary to assure
22 that trauma facilities will provide quality care to trauma cases
23 referred to them.

24 ~~(4)—~~

25 (5) The resources and equipment needed by trauma facilities to
26 treat trauma cases.

27 ~~(5)—~~

28 (6) The availability and qualifications of the health care
29 personnel, including physicians and surgeons, treating trauma
30 cases within a trauma facility.

31 ~~(6)—~~

32 (7) Data collection regarding system operation and patient
33 outcome.

34 ~~(7)—~~

35 (8) Periodic performance evaluation of the trauma system and
36 its components.

37 (b) The authority may grant an exception to a portion of the
38 regulations adopted pursuant to subdivision (a) upon substantiation
39 of need by a local EMS agency that, as defined in the regulations,

1 compliance with that requirement would not be in the best interests
2 of the persons served within the affected local EMS area.

3 *SEC. 3. Section 21099.7 is added to the Public Resources Code,*
4 *to read:*

5 *21099.7. For a project related to the construction of a*
6 *helicopter landing pad on a trauma center, a lead agency, in*
7 *compliance with this division, is not required to consider the noise*
8 *impact caused by the use of the proposed helicopter landing pad*
9 *in its environmental review of the project.*

10 ~~SECTION 1. Section 1797.222 of the Health and Safety Code~~
11 ~~is amended to read:~~

12 ~~1797.222. (a) A county, upon the recommendation of its local~~
13 ~~EMS agency, may adopt ordinances governing the transport of a~~
14 ~~patient who is receiving care in the field from prehospital~~
15 ~~emergency medical personnel, when the patient meets specific~~
16 ~~criteria for trauma, burn, or pediatric centers adopted by the local~~
17 ~~EMS agency.~~

18 ~~(b) The ordinances shall, to the extent possible, ensure that~~
19 ~~individual patients receive appropriate medical care while~~
20 ~~protecting the interests of the community at large by making~~
21 ~~maximum use of available emergency medical care resources.~~
22 ~~These ordinances shall be consistent with Sections 1797.106,~~
23 ~~1798.100, and 1798.102, and shall not conflict with any state~~
24 ~~regulations or any guidelines adopted by the Emergency Medical~~
25 ~~Service Authority.~~

26 ~~(c) This section shall not be construed as prohibiting the~~
27 ~~helicopter program of the Department of the California Highway~~
28 ~~Patrol from a role in providing emergency medical services when~~
29 ~~the best medically qualified person at the scene of an accident~~
30 ~~determines it is in the best interests of any injured party.~~

31 ~~(d) This section shall not be construed as authorizing a county~~
32 ~~or city and county to prohibit a trauma center from installing a~~
33 ~~helicopter landing pad at or near its facility for the purpose of~~
34 ~~receiving emergency trauma care patients.~~

35 ~~SEC. 2. Section 1798.169 of the Health and Safety Code is~~
36 ~~amended to read:~~

37 ~~1798.169. (a) Nothing in this article shall be construed as~~
38 ~~restricting the use of a helicopter of the Department of the~~
39 ~~California Highway Patrol from performing missions which the~~

1 department determines are in the best interests of the people of the
2 State of California:

3 ~~(b) Nothing in this article shall be construed as authorizing a~~
4 ~~city, county, or city and county to prohibit a trauma center from~~
5 ~~installing a helicopter landing pad at or near its facility for the~~
6 ~~purpose of receiving emergency trauma care patients.~~

7 SEC. 3. ~~Section 21661.5 of the Public Utilities Code is~~
8 ~~amended to read:~~

9 ~~21661.5. (a) No political subdivision, any of its officers or~~
10 ~~employees, or any person may submit any application for the~~
11 ~~construction of a new airport to any local, regional, state, or federal~~
12 ~~agency unless the plan for construction is first approved by the~~
13 ~~board of supervisors of the county, or the city council of the city,~~
14 ~~in which the airport is to be located and unless the plan is submitted~~
15 ~~to the appropriate commission exercising powers pursuant to~~
16 ~~Article 3.5 (commencing with Section 21670) of Chapter 4 of Part~~
17 ~~1 of Division 9, and acted upon by that commission in accordance~~
18 ~~with the provisions of that article.~~

19 ~~(b) A county board of supervisors or a city council may, pursuant~~
20 ~~to Section 65100 of the Government Code, delegate its~~
21 ~~responsibility under this section for the approval of a plan for~~
22 ~~construction of new helicopter landing and takeoff areas, to the~~
23 ~~county or city planning agency.~~

24 ~~(c) Nothing in this section shall be construed as authorizing a~~
25 ~~city, county, or city and county to prohibit a trauma center from~~
26 ~~installing a helicopter landing pad at or near its facility for the~~
27 ~~purpose of receiving emergency trauma care patients.~~

28 SEC. 4. ~~Section 21662.1 of the Public Utilities Code is~~
29 ~~amended to read:~~

30 ~~21662.1. (a) At or as near as practical to the site of a medical~~
31 ~~emergency and at a medical facility, an officer authorized by a~~
32 ~~public safety agency may designate an area for the landing and~~
33 ~~taking off of an emergency service helicopter, in accordance with~~
34 ~~regulations established not later than January 1, 1989, pursuant to~~
35 ~~Section 21243.~~

36 ~~(b) "Public safety agency" means any city, county, state agency,~~
37 ~~or special purpose district authorized to arrange for emergency~~
38 ~~medical services.~~

39 ~~(c) Nothing in this section shall be construed as authorizing a~~
40 ~~city, county, or city and county to prohibit a trauma center from~~

- 1 ~~installing a helicopter landing pad at or near its facility for the~~
- 2 ~~purpose of receiving emergency trauma care patients.~~

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